# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/053,781 | 01/20/2002 | Sasisekharan Raguram | BAY-031 | 4254 |

7590    05/04/2007

Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95132

| EXAMINER |
|---|
| NAWAZ, ASAD M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2155 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 05/04/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _20 February 2007_.

2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-7,16-19 and 24-27_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7,16-19 and 24-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1.      This action is responsive to the RCE received 2/20/06. Claims 1, 16, and 24 were

amended. Claims 20-23 were canceled. No other claims have been added, amended, or

canceled. Accordingly, claims 1-7, 16-19, and 24-27 are pending.

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.      Claims 1-7, 16-19 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ash et al (US Patent 6,778,535) hereinafter Ash further in view of Seddigh et al (US Patent

6,973,035) hereinafter Seddigh.

       As to claim 1, Ash et al teaches a method comprising: routing a set-up message to a

plurality of nodes in a transport network, wherein said set-up message reserves network

resources for a plurality of different traffic paths (a path is simply a subset of a larger reserved

path, see Fig 3) through said at least one transport network as said set-up message visits each of

said plurality of nodes; (a check is made, in response to a determination of a path, whether each

link in the path has available resources for the connection request, Abstract; col 2, lines 5-12; col

3, lines 3-45; col 5, lines 35-53)

       and routing said set-up message to said plurality of nodes in said transport network,

wherein said set-up message provisions network resources for said plurality of different traffic

paths through at least one said transport network as said set-up message revisits each of said

plurality of nodes. (The source node routes Setup messages to intermediate nodes and the

resources are provisioned as the nodes are all revisited; Abstract; col 2, lines 5-12; col 3, lines 3-

45; col 5, lines 35-53)

However, Ash does not explicitly indicate that the reserved network resources are

provisioned only if all of the resources needed for the plurality of different traffic paths through

said at least one transport network have been successfully reserved.

Seddigh teaches the reserved network resources for said plurality of different traffic paths

through said at least one transport network are provisioned only if all of the resources needed for

each traffic path of the plurality of traffic paths have been successfully reserved (a handshake

involving the Path message for reservations in one direction and the RESV message is

transmitted on a per-hop basis back to the sender. If this is successful, the sender can provision

the resources/services. Otherwise, the resources are not provisioned and usually signaled via a

PATH_ERR message; col 3, line 62 to col 4, line 15)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to incorporate the teachings of Seddigh into those of Ash to make the system efficient. By

reserving the resources and provisioning them only once the entire set of paths is reserved would

greatly reduce, if not eliminate, a termination of a session between a source and destination pair

due to insufficient availability of resources.

As to claim 2, Ash et al teaches the method of claim 1 wherein at least one of said

plurality of different traffic paths through said at least one transport network is a working path

and wherein at least one of said plurality of different traffic paths through said at least one

transport network is a protection path for said working path. (col 3, lines 3-46)

As to claim 3, Ash et al teaches the method of claim 1 wherein said set-up message

revisits each of said plurality of nodes in the reverse order in which said set-up message visits

each of said plurality of nodes. (Abstract; Fig 2, col 3, lines 15-33)

As to claim 4, Ash et al teaches the method of claim 1 wherein said transport network is a

mesh network. (Fig 3, col 3, lines 33-46)

As to claim 5, Ash et al teaches the method of claim 1 wherein said transport network is a

ring network. (Fig 2, col 3, lines 3-32)

As to claim 6, Ash et al teaches the method of claim 1 wherein at least one of said

plurality of traffic paths is a multicast traffic path.(abstract; It is known that connection-oriented

link layers, such as ATM, as taught by Ash et al, have built-in mechanisms for "point-to-

multipoint" or "multipoint-to-multipoint" connections.)

As to claim 7, Ash teaches the method of claim 1, however, Ash does not explicitly

indicate that some nodes are in a first network while others are in another.

Seddigh teaches that some nodes belong to a first network while others reside in another

(Figs 1-3 and col 1, lines 40-50, multiple carriers and a framework comprising a plurality of

domains each of which is a set of is a set of contiguous DS-compliant networks containing DS-

compliant nodes.).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to traverse a path through a number of different types of networks, whether they are a mesh

network, ring network, use TCP/IP, etc. Numerous existing networking infrastructure enable one

to employ nodes belonging to different transport networks without the need for additional work

by the client.

Claims 16-19 and 24-27 contain similar limitations as the above-mentioned claims and are thus rejected under similar rationale.

### *Response to Arguments*

4.      Applicant's arguments filed have been fully considered but they are not persuasive. In substance, the applicant argues that Seddigh does not teach or suggest provisioning the reserved resources for said plurality of different traffic paths through said at least one transport network only if all of the resources need for each traffic path have been successfully reserved.

5.      In response, Seddigh teaches a handshake involving the Path message for reservations in one direction and the RESV message is transmitted on a per-hop basis back to the sender. If this is successful, the sender can provision the resources/services. Otherwise, the resources are not provisioned and usually signaled via a PATH_ERR message (col 3, line 62 to col 4, line 15). Therefore, the resources are not provisioned unless the entire path is reserved. Regarding the definition of path, the examiner has given the term its most reasonably broad interpretation. Thus the prior art of record still meet the scope of the limitations as claimed.

### *Conclusion*

6.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.
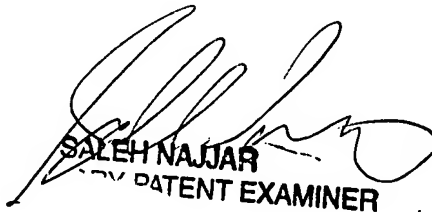
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

SALEH NAJJAR
PATENT EXAMINER